

# *The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

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April 15, 1999

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
FINAL GENERIC ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : 21E Program Evaluation  
PROJECT MUNICIPALITY : Statewide  
PROJECT WATERSHED : Statewide  
EOEA NUMBER : 11203  
PROJECT PROPONENT : Department of Environmental Protection  
DATE NOTICED IN MONITOR : February 23, 1999

As Secretary of Environmental Affairs, I hereby determine that the Final Generic Environmental Impact Report (FGEIR) submitted on this project adequately and properly complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 C.M.R. 11.00).

The project involves an evaluation of the Waste Site Cleanup Program authorized by Massachusetts General Law Chapter 21E and implemented by 310 C.M.R. 40.0000 (the Massachusetts Contingency Plan). In 1992-93, the Department of Environmental Protection (DEP) instituted a new regulatory approach to waste site cleanup in the Commonwealth, replacing the centralized program previously in effect with a new system whereby DEP no longer directly oversees all site cleanups. In the new system, property owners hire private cleanup specialists (Licensed Site Professionals or LSPs) licensed by an independent board, and the LSPs oversee site cleanup. DEP audits a portion of all sites each year to ensure adherence to applicable standards.

The 1993 regulatory changes underwent MEPA review (EOEA #9307). The Secretary did not require an Environmental Impact Report at that time, but required DEP to file a Generic Environmental Notification Form by June 1997 to reexamine the appropriateness of further MEPA review. In a Certificate issued August 8, 1997, the Secretary required the preparation of a Generic Environmental Impact Report. The Secretary's primary purpose in requiring a GEIR was "to ensure maximum public awareness of, and input into,



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the program evaluation and any proposed regulatory changes which may grow out of that evaluation."

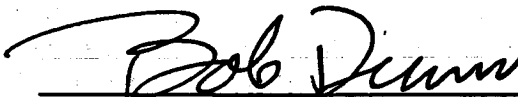
The GEIR process has served its purpose of stimulating public discussion of the 21E program evaluation. The FGEIR has presented an appropriately balanced assessment of the program's strengths and weaknesses. It provides an adequate framework for DEP to begin, in earnest, proposing regulatory changes and implementing recommendations that have emerged from the GEIR process.

From the FGEIR and the comments received, it is clear that some aspects of the 21E program are working well, while other aspects need refinement. Under the past four years of the privatized program, more than 14 times as many sites with long-standing contamination have been cleaned up or closed out when compared to the last four years of the old program. More than 7200 assessments and/or cleanups have received LSP signoff, and approximately 90% of all RAOs filed show that releases have been cleaned up to background conditions or meet requirements for unrestricted use of the site. However, the comments have stressed the need for DEP to devote adequate resources to audits and enforcement functions, as these aspects are fundamental to maintaining and improving the credibility of the privatized 21E program. The comments have also pointed to the need for vigorous and direct DEP oversight of the most contaminated sites.

As DEP moves into the next phase of the 21E program reassessment, I ask that it consider seriously the comments received on the FGEIR.

4/15/99

DATE

  
Bob Durand

Comments received :

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|--------|---|
| 4/8/99 | 21E Citizens Study Committee            |
| 4/8/99 | Massachusetts Water Resources Authority |
| 4/9/99 | Boston Environment Department           |

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